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**MAY 21 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re United States Patent Application of:	)	Docket No.:	4080-109 CIP DIV 2	
	)	)	)	
Applicants:	KWEN-JEN CHANG, ET AL.	)	Patent No.:	6,919,350
		)	)	)
Application No.:	09/974,004	)	Date Issued:	July 19, 2005
		)	)	)
Date Filed:	October 9, 2001	)	)	)
		)	)	)
Title:	COMPOSITIONS AND METHODS FOR REDUCING RESPIRATORY DEPRESSION AND ATTENDANT SIDE EFFECTS OF MU OPIOID COMPOUNDS	)	Customer No.:	23448
		)	)	)

**FACSIMILE TRANSMISSION CERTIFICATE**  
**Fax No. (571) 273-8300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 21, 2006, via facsimile transmission to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

12

Number of Pages (including cover)

Steven J. Hultquist

May 21, 2006

Date

**REQUEST FOR WITHDRAWAL OF ATTORNEYS OF RECORD (CUSTOMER NO.  
23448) IN U.S. PATENT NO. 6,919,350 PURSUANT TO THE PROVISIONS OF 37  
CFR 10.40**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Request hereby is made under the provisions of 37 CFR 10.40 for withdrawal of the undersigned (Registration No. 28,021) and attorneys associated with Customer No. 23448), as attorneys of record in the above-identified U.S. Patent.

The above-identified patent is assigned to Ardent Pharmaceuticals, Inc. pursuant to an assignment recorded June 4, 2001 at Reel 011855, Frame 0671.

The undersigned has represented Ardent Pharmaceuticals, Inc. as patent counsel for the corporation (originally named Delta Pharmaceuticals, Inc.), beginning in 1996, and has rendered patent legal services to the corporation at the request of its officers Kwen-Jen Chang and Phillip Wise, for all patents and patent applications of the corporation including the above-identified patent, as well as foreign patents and patent applications in numerous foreign countries. Such services were at all times rendered with the understanding and expectation of payment, pursuant to a January 1, 1996 Attorney-Client Fee Contract involving issue of monthly invoices to Ardent Pharmaceuticals, Inc. Although patent legal services requested by Kwen-Jen Chang and Phillip Wise to be rendered in the United States and in foreign countries have been completed in a timely manner, and monthly invoices issued to Ardent Pharmaceuticals, Inc. for such services, the invoices issued since August 2005 have not been paid and total \$65,681.94 as of May 20, 2006. Although representations have been made by Kwen-Jen Chang and Phillip Wise that payments would be made and that funds would be forthcoming through various third parties, these invoices since August 2005 have not been paid, despite repeated requests to Kwen-Jen Chang and Phillip Wise for such payment.

Under these circumstances, the undersigned attorney spoke to Kwen-Jen Chang on May 8, 2006, and stated that the undersigned and his firm were withdrawing from representation and that (1) letters would be sent to foreign patent agents informing such agents that the undersigned and his firm were no longer representing Ardent Pharmaceuticals, Inc. and that all correspondence for Ardent Pharmaceutical, Inc. patent matters should be directed to Kwen-Jen Chang at his address, and (2) corresponding papers would be filed in the U.S. Patent and Trademark Office for withdrawal from representation, and directing USPTO communications for patent matters of Ardent Pharmaceuticals, Inc. to be sent to Kwen-Jen Chang at his address.

On May 18, 2006, a letter of the same date was received after business hours via facsimile in the office of the undersigned, as transmitted from Marianne Fuierer of the firm of Moore & Van Allen, PLLC, stating that Mount Cook Biosciences, Inc. had purchased the intellectual property of Enhance Biotech/Ardent, and directing the files to be sent to Moore & Van Allen, PLLC. The letter was signed on behalf of "Enhance Biotech/Ardent" by Chris Every and on behalf of Mount Cook Biosciences, Inc. by Jay Lobell. A copy of such letter is attached in Appendix A hereof.

The undersigned attorney does not know any legal entity named "Enhance Biotech/Ardent" and no business entity status or identifier (corporation, limited liability partnership, etc.) was identified in the letter for "Enhance Biotech/Ardent." All patents and patent applications of Ardent Pharmaceuticals, Inc. subsist in the assignment records of the USPTO in the name of Ardent Pharmaceuticals, Inc. Attached in Appendix B hereof is a copy of an on-line listing for Ardent Pharmaceuticals, Inc. in the records of the North Carolina Department of the Secretary of State (<http://www.secretary.state.nc.us/corporations>), showing the status of the corporation as "Current-Active". Attached in Appendix C hereof is a copy of the search query results for a search for "Enhance Biotech/Ardent" in the on-line records of the North Carolina Department of the Secretary of State (<http://www.secretary.state.nc.us/corporations>), showing "No records Found."

In view of the fact that no instructions corresponding to those in the aforementioned May 18, 2006 letter had been received by the undersigned attorney from Ardent Pharmaceuticals, Inc., from either Kwen-Jen Chang or Phillip Wise, the undersigned attorney contacted Kwen-Jen Chang on May 20, 2006 and informed him of the letter received from Moore & Van Allen on May 18, 2006. Expressing surprise, Dr. Chang asked who had signed the letter, and was informed of the identity of the signatories. Shortly thereafter, on the same date of May 20, 2006, Kwen-Jen Chang in a subsequent telephone call to the undersigned attorney, agreed that the undersigned attorney would deliver the files of Ardent Pharmaceuticals, Inc. to Kwen-Jen Chang, in concluding the undersigned's representation of Ardent Pharmaceuticals, Inc. The files were correspondingly delivered to Kwen-Jen Chang on May 20, 2006, to enable such action to be taken by Ardent Pharmaceuticals, Inc. as is proper under the circumstances, consistent with the undersigned's prior notification of withdrawal and to avoid any prejudice to the interests of Ardent Pharmaceuticals, Inc. by further delay in delivery of that company's files. This action will permit Ardent Pharmaceuticals, Inc. to directly resolve any issues of ownership and legal representation. In the undersigned's delivery of the files to Ardent Pharmaceuticals, Inc., Kwen-

Jen Chang has been advised to secure new counsel immediately so that the interests of Ardent Pharmaceuticals, Inc. are protected. Sufficient time therefore has been provided for Ardent Pharmaceuticals, Inc. to secure services of another registered patent practitioner. A current docket calendar for Ardent Pharmaceuticals, Inc., through September 1, 2006, has also been furnished to Ardent Pharmaceuticals, Inc. with the delivered files, with the recommendation that Ardent Pharmaceuticals, Inc. undertake immediate steps to verify all due dates and actions required, to protect the company's intellectual property rights.

Inasmuch as (i) Ardent Pharmaceuticals, Inc. has received delivery of its files in conclusion of the representation of Ardent Pharmaceuticals, Inc. by the undersigned attorney and his firm, (ii) such delivery of files to Ardent Pharmaceuticals, Inc. was effected on May 20, 2006, and (iii) Ardent Pharmaceuticals, Inc. has failed to pay invoices issued since August 2005 and totaling \$65,681.94 as of May 20, 2006, it is requested that the USPTO:

- confirm the withdrawal of the undersigned attorney and attorneys of his firm associated with Customer Number 23448, under the provisions of 37 CFR 10.40, and
- direct all future correspondence relating to the above-identified patent, to:

**Dr. Kwen-Jen Chang  
Ardent Pharmaceuticals, Inc.  
104 Sierra Drive  
Chapel Hill, NC 27514**

Respectfully submitted,

  
\_\_\_\_\_  
Steven J. Hultquist  
Reg. No. 28,021

**INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
Phone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney File No.: 4080-109 CIP DIV 2**

## APPENDIX A

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MAY 21 2006

IPTL

FACSIMILE

Moore &amp; Van Allen

FROM	Marianne Fuierer		
DATE	May 18, 2006		
TIME	6:11 PM		

PAGES INCLUDING COVER SHEET	3	USER NUMBER	2281
CLIENT/MATTER	021304.0		

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Marianne Fuierer  
Attorney at Law  
T 919 286 8089  
F 919 416 8389  
mariannefuierer@mvalaw.com

Moore & Van Allen PLLC  
430 Davis Drive  
Morrisville, NC 27560

Mailing Address:  
Post Office Box 13706  
Research Triangle Park, NC 27709

### Attention:

	NAME	COMPANY	TELEPHONE	FACSIMILE
1	Steven Hultquist			419-9354
2				
3				
4				
5				
6				
7				

### Remarks:

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Charlotte, NC  
Charleston, SC

Mount Cook Biosciences, Inc.  
Paramount Biosciences, L.L.C.,  
787 Seventh Avenue - 48<sup>th</sup> Floor,  
New York, NY 10019.

May 18, 2006

Mr. Steven Huftquist  
Intellectual Property/Technology Law  
P. O. Box 14329  
Research Triangle Park, NC 27709

VIA FACSIMILE: 919-419-9354

**Re: Transfer of Enhance Biotech/Ardent Files  
From IPTL to Moore & Van Allen PLLC**

Dear Mr. Holtquist:

This letter is to inform you that Mount Cook BioSciences, Inc. has purchased the intellectual property of Enhance Biotech/Ardent. Mount Cook BioSciences, Inc. has decided to transfer all files held by Intellectual Property/Technology Law (IPTL) to Moore & Van Allen, PLLC (MVA). These files include all pending applications, all issued patents, all foreign pending applications and issued patents and all abandoned matters.

We want to make sure that the transfer of files occurs in a timely and prudent manner. This is especially important with respect to pending action items, outstanding Office Actions, annuities, bar dates and other deadlines. With this in mind, please prepare the Enhanced Biotech/Ardent files for transfer to MVA by May 26, 2006 along with an inventory of files being transferred and a list of docket items coming due in the next two months. We recognize that this is a limited amount of time to prepare the files for movement to MVA but we also know that under North Carolina Law a licensed attorney has neither the ethical nor the legal right to delay or withhold a client's files when the client requests such a transference.

MVA will send a courier on May 26, 2006 to take possession of the files. Once MVA receives the files, they will be checked against the inventory, and MVA will confirm receipt of the files in writing.

Please forward a copy of all correspondence that you send or receive that is related to Enhance Biotech/Ardent matters to Marianne Fueller at Moore & Van Allen, PLLC, and P.O. Box 13705, Research Triangle Park, NC 27709.

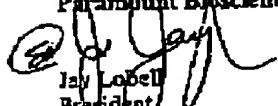
Of course, our ultimate goal is to have all of the files quickly and efficiently transferred to MVA, and as such, we request your full cooperation with this matter. Further, if you have any questions relating to this request for transfer of files, please contact John Liatos of Paramount Biosciences, LLC at the above-identified address.

Sincerely,

**Enhance Biotech/Ardent**

  
Chris Berry  
President and CEO

**Mount Cook Biosciences, Inc.**  
**Paramount Biosciences, L.L.C.**

  
Jay Lobell  
President

cc: Marianne Fuhrer  
John Kriatos

BU#133796\_1

## APPENDIX B



Elaine F. Marshall  
Secretary

North Carolina

## DEPARTMENT OF THE SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

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### Corporation Names

Name	Name Type
<b>NC</b> Ardent Pharmaceuticals, Inc.	Legal
<b>NC</b> DELTA PHARMACEUTICALS, INC.	Prev Legal

### Business Corporation Information

<b>SOSID:</b>	0384768
<b>Status:</b>	Current-Active
<b>Date Formed:</b>	12/21/1995
<b>Citizenship:</b>	Domestic
<b>State of Inc.:</b>	NC
<b>Duration:</b>	Perpetual

### Registered Agent

<b>Agent Name:</b>	Corporation Service Company
<b>Registered Office Address:</b>	327 Hillsborough Street Raleigh NC 27603
<b>Registered Mailing Address:</b>	327 Hillsborough Street Raleigh NC 27603
<b>Principal Office Address:</b>	104 Sierra Dr Chapel Hill NC 27514
<b>Principal Mailing Address:</b>	No Address

### Stock

Class	Shares	No Par Value	Par Value
Common	1500	Yes	N/A

For questions or comments about the North Carolina Secretary of State's web site, please send e-mail to [Webmaster](#).

## **APPENDIX C**

## Corporations Search Results



Elaine F. Marshall  
Secretary

North Carolina

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- Start An Order
- New Payment Procedures
- Contact Us
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SearchType: Starting With  
Search Date: 5/20/2006 12:39:34 PM  
No Records Found. Search Again

Search Criteria: Enhance Biotech/Ardent

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